

City Council Introduction: Monday, June 30, 2003
Joint Public Hearing of the Lincoln City Council
and Lancaster County Board of Commissioners:
Thursday, July 10, 2003, 5:30 p.m.

Bill No. 03R-168

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 03012**, by the Director of Planning, at the request of Tom Huston, on behalf of UNO Properties, Inc. and Apple's Way L.L.C., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change approximately 60 acres from Urban Residential to Commercial at South 66th Street and Highway 2.

STAFF RECOMMENDATION: Denial.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/21/03
Administrative Action: 05/21/03

RECOMMENDATION: **Denial** (6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Bills-Strand and Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation to deny this request is based upon the "Status/Description", "Comprehensive Plan Implications" and "Conclusion" as set forth in the staff report on p.2-4, concluding, in part, that this proposal for commercial use is contrary to the approved Southeast Lincoln/Highway 2 Subarea Plan, and would have a negative impact on nearby roads and the overall road network.
2. The applicant's testimony is found on p.5. The applicant requested deferral of this application until completion of the traffic studies.
3. Testimony in opposition is found on p.5-6, and the record consists of four letters in opposition with concerns about a) significant deviations from the approved Southeast Lincoln/Highway 2 Subarea Plan, which had substantial community input and negotiations; b) increased traffic on Highway 2 and South 66th Street; c) sufficient commercial development already approved to serve the area; d) increased lighting, noise and litter; and e) diminished aesthetics. (See p.12-18).
4. On May 21, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend **denial**.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 23, 2003

REVIEWED BY: _____

DATE: June 23, 2003

REFERENCE NUMBER: FS\CC\2003\CPA.03012

2003 COMPREHENSIVE PLAN ANNUAL REVIEW

Comprehensive Plan Amendment No. 03012 66th and Highway 2 Commercial Center

Applicant	Location	Proposal
Tom Huston on behalf of UNO Properties Inc. (not associated with University of Nebraska) and Apple's Way LLC	S. 66 th Street and south of Highway 2.	Change from Urban Residential to approximately 60 acres of Commercial use.
Recommendation: Denial This proposal for commercial use is contrary to the approved Southeast Lincoln/ Highway 2 Subarea Plan which will have a negative impact on nearby roads and the overall road network.		

Status/Description

The applicant is proposing Commercial designation over the majority of the 63 acre site. A portion on the southern and eastern ends is proposed for detention ponds and designation as Green Space. The applicant has submitted a site plan proposing approximately 400,000 sq. ft. (SF) of commercial space, including 257,000 SF of retail space, including a 136,000 SF “big box” store and 143,000 SF of office space.

An application for commercial development on this property have been presented several times and denied several times over the past nine years. The first application, for Shopko and Menards as part of 290,000 SF of commercial space, was proposed in 1993 and was denied by the City Council in 1994. Several requests for commercial use were considered rejected after the development of the 1994 Comprehensive Plan. The last request for commercial use was considered and turned down in the adopted “Southeast Lincoln/Highway 2 Subarea Plan” in March 2001.

Comprehensive Plan Implications

The “Southeast Lincoln/Highway 2 Subarea Plan” adopted subarea plan on Page 11 specifically notes that significant commercial development on this property could “impact Highway 2, the overall road network and adjacent residential properties.”

Another guiding principle of the subarea plan was to respect the character of the existing low density residential areas. This property was designated for urban residential uses, though, that did not mean the entire site would be appropriate for dense urban uses. The City approved R-1 Residential zoning on a small parcel adjacent to Country Meadows as an appropriate land use. Only the northwest corner of this site is designated as a potential site for “Special Residential” uses such as a “churches, domiciliary care facilities, retirement apartments, child care facilities, townhomes or other uses permitted by special permit... in more urban settings, which are further from existing single family residences, apartments may be also appropriate.” (page 10 of Subarea Plan.)

The proposed site plan provides a buffer of ponds, trees, office uses and increased setbacks to provide a land use transition to the Country Meadows neighborhood. This proposal may provide an adequate buffer from the noise and light impacts of the project. However, the 400,000 SF of commercial use will have an impact on the transportation network that the neighborhood relies on and may have a traffic impact on S. 66th Street through the neighborhood as

well. The applicant has not proposed any direction road connections from the project to the neighborhood. Yet, persons exiting the proposed commercial site to head west may find that traveling along S. 66th Street, through the neighborhood, is faster and easier than taking a left out of the site, through three traffic signals and the congested intersection of 56th Street -Old Cheney and Highway 2.

Public Works and Utilities is opposed to a traffic signal at this location. If the applicant proceeded with a use permit and change of zone for this property, they would need to submit a traffic study as well. However, Public Works notes that “the land use plan as identified in the Comprehensive Plan designates this specific area as residential. This proposed land use (commercial) would significantly increase the number of vehicular trips generated and as a result, improvements to Highway 2 would be needed.”

The vicinity of 56th and Highway 2 is designated as a Community Center in the Comprehensive Plan (page F 41). Community Centers have less than 1 million square feet. The 56th and Highway 2 Community Center provides a wide variety of commercial services to this subarea of Lincoln. Adding 400,000 SF of space would move this center into the Regional Center designation. The Plan states that Regional Centers should be spaced four to six miles apart. This intersection is within 2 miles of the Regional Centers at 84th and Highway 2 and 27th and Pine Lake Road. There is considerable space for additional commercial uses at 84th and Highway 2.

The proposed site plan would provide several benefits to the adjacent Trade Center by providing an area for additional parking and access to Highway 2. These benefits could be provided even with residential development of the site. Regardless of the benefits to the Trade Center, these do not warrant the negative impact on the community’s overall road network.

Public Works Watershed Management notes that they “are in the midst of discussions with the Country Meadows neighborhood about the creation of water quality wetlands on their outlot to the south. These could be constructed with or without the road connection identified between Country Meadows and the Apple’s Way site.” Both City and the Lower Platte South NRD note that the applicant on this property has also expressed an interest in a water quality enhancement project. However, an enhancement project is not dependent on the land use — it could proceed with either residential or commercial development.

Letters in opposition to this proposal were received from the Country Meadows Homeowners Association, the Pine Lake Homeowners Association and property owners in the adjacent Country Meadows neighborhood association.

Conclusion

It has been nearly ten years since the first application in 1993 for commercial use on this property. Since that time, traffic on Highway 2, Old Cheney Road and South 56th Street has increased. As development in this area continues, projected traffic volumes on these roads is anticipated to increase, significantly impacting the functioning of the 56th - Old Cheney Road - Highway 2 intersections. One of the main reasons the original 290,000 SF Shopko proposal was denied, was due to the significant traffic impact on the road network.

Highway 2 will be at capacity in the future, even assuming that the South Beltway is open and a significant amount of through traffic uses the beltway instead of Highway 2.

The traffic modeling done in 1993 and ever since that time have reinforced that additional commercial development near the intersection of Old Cheney Road, S. 56th and Highway 2 will have a negative impact. One of the main principles of the Southeast Lincoln/ Highway 2 Subarea Plan is to have “efficient use of the transportation network: land use decisions must consider the impacts on the transportation network.” Additional traffic impact studies are not required in order to determine that 400,000 SF will have a significant negative impact. It has been shown that there is not capacity in the adjacent road network for additional trips brought on by commercial development.

There have been proposals for residential use of this land, however, interested buyers have stated that the property owner has refused to sell the land below commercial zoning value. This property is not zoned for commercial use and has never been approved or designated for commercial use. The property is zoned AGR Agricultural Residential. This property is suitable for zoning to an urban residential use, such as R-1 Residential, which is compatible with the adjacent neighborhood. Due to the impact on the overall road network and nearby roadways, this property should remain for urban residential use and not commercial uses.

COMPREHENSIVE PLAN AMENDMENT NO. 03012

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 21, 2003

Members present: Carlson, Larson, Duvall, Taylor, Steward and Schwinn; Krieser and Bills-Strand absent.

Staff recommendation: Denial.

Proponents

1. **Tom Huston** appeared on behalf of **UNO properties, Inc. and Apple's Way II**, and presented a "concept plan". Huston acknowledged that the staff is recommending denial because the amendment is contrary to the Southeast Lincoln/Highway 2 Subarea Plan and based upon potential negative impact on the road network. Huston requested that this amendment be deferred. Upon completion of the traffic studies that are currently underway, he would be in a better position to make a decision about coming forward with specific change of zone, use permit and subdivision applications.

Huston observed that the staff report does point out some things that have occurred over the last 12-15 months. Huston has had multiple meetings with Planning, Public Works and the Country Meadows Homeowners Association. This concept plan shows roughly 200,000 sq. ft. of commercial use (about 250,000 in B-2 and 150,000 in O-3), both requiring use permit applications. They have been trying to work with the Country Meadows Homeowners Association to create a good buffer between any use on this property and the neighborhood. There is 14 acres of buffer area. The closest home to an office building is 400' and the average distance to the homes would be 800'. The FAR would be about 14%, far below the maximum allowed by the Comprehensive Plan. They have tried to maintain the road on the eastern portion of the property so that the office buildings could fit within the grade and maintain the grade as additional buffer for the noise. They have worked with Public Works on a regional detention cell and found that the original cell would not create much benefit on the downstream flow targets, thus they want to work toward implementing water quality improvements.

However, Huston believes that the real issue is traffic. They are studying multiple intersections in and around this area and hope to bring forward specific applications if the studies indicate that this type of land use would be appropriate. The reason this amendment was submitted prior to completion of the traffic studies was because of the February deadline. Therefore, Huston requested deferral of this amendment until such time as the traffic study is completed so that they can bring the details forward.

Opposition

1. **Christine Kiewra**, 6400 So. 66th, testified on behalf of **Country Meadows Homeowners Association**, in opposition. She has submitted a letter and the chief concern is traffic. The Association is opposed to the commercial designation. Lighting, noise, litter, and aesthetics are all concerns as well. As stated repeatedly in the staff reports and the Subarea Plan, this is one of the most beautiful and most used city entryways. Home Depot was supposedly to be the last commercial development along the highway. She does not believe this proposal is an amendment to the Subarea Plan, but a complete contradiction to what the Subarea Plan is all about. If there have been any changes in the subarea in the past two years, it is that Edgewood has kind of expanded again, Home Depot is now built (but the other half is still designated commercial), 84th and Hwy 2 is becoming a reality (Walmart is open and Menards is built), and the traffic is at capacity on Hwy 2. The Country Meadows Homeowners are concerned that it is getting ever more dangerous. To increase the commercial designations along the highway will significantly increase the traffic. Kiewra requested that the Commission deny the request.

2. Bill Austin appeared on behalf of the **Pine Lake Association**, in opposition and the Association will continue to be opposed. He doubts there is anything in the new traffic study that would tend to change their opposition. The Subarea Plan was adopted barely two years ago, and if planning means anything, then a plan such as this with such a recent vintage should be given an opportunity to work its way through before there are any major deviations. There is nothing to justify this deviation from the Subarea Plan. He believes the staff and city have more than attempted to deal with and accommodate the needs for commercial development in this area. This particular tract should develop in accordance with the plan, i.e. special residential uses, that have been contemplated rather than continuing to make attempts to commercialize this tract.

Staff questions

Carlson inquired whether there are any changes in design, in the plan or in intent in the transportation network that would create a new capacity. Steve Henrichsen of Planning staff explained that part of the recommendation for denial of the proposal for 400,000 sq. ft. is that the staff is not aware of any changes or conditions that would show us that we could add 400,000 sq. ft. and not have a significant impact on 56th and Hwy 2 or Old Cheney and Hwy 2.

Schwinn inquired whether Hwy 2 stays as a federal highway once the South Beltway is built. Roger Figard of Public Works advised that there is currently an agreement between the city and the state that the city would take over existing Hwy 2 as a city route and it would no longer carry the state designation.

COMPREHENSIVE PLAN AMENDMENT NO. 03012

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 21, 2003

Carlson moved to deny, seconded by Steward.

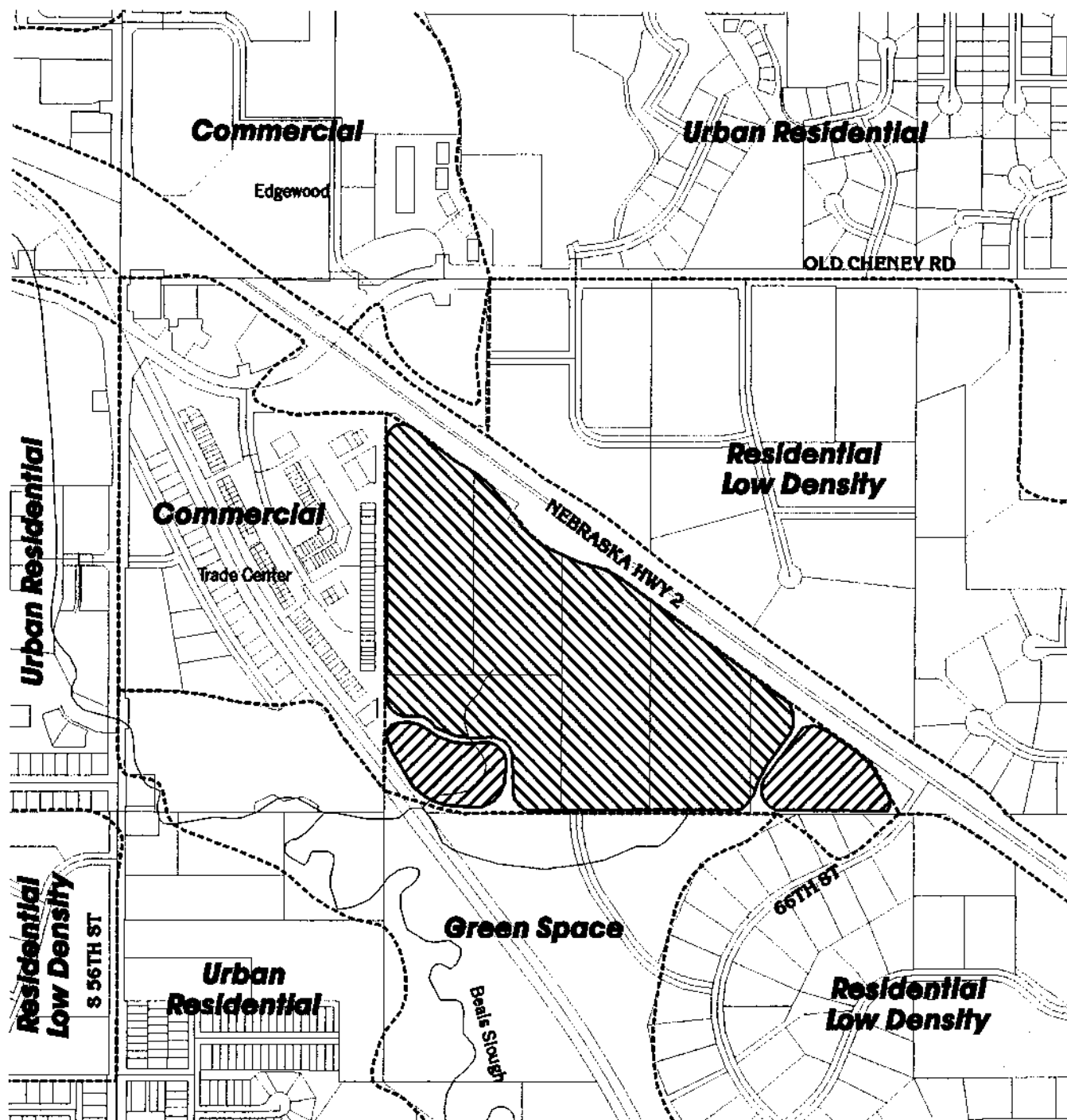
Carlson has not been on the Commission that long and he has seen this proposal at least once and maybe twice. He is not sure why we continue to try to put this “square peg in that round hole”. He believes it continues to be inappropriate.

Steward agreed. In addition, he suggested that the Subarea Plan is not intended to be as dynamic as some people would like it to be. Subarea planning as a process is an intent to get specific so that more of the issues and problems can be defined more clearly. We do have a Subarea Plan that continues to be requested to be changed, but he thinks the plan was based on good logic in the beginning and had good input from the community.

Steward also believes that putting Comprehensive Plan proposals, in general, on pending without tying it to a specific future condition or more specific future date is a dangerous precedent. His concern is process as well as content, and he is opposed.

Schwinn agreed with Steward as far as placing items on the pending list. This property has been discussed for many, many years, even before Schwinn began serving on the Commission, and he believes it is time that the landowners sit down and decide to figure out how to make it work within the Plan.

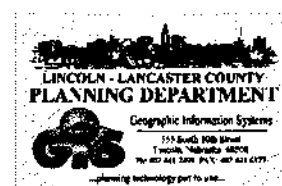
Motion to deny carried 6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting ‘yes’; Krieser and Bills-Strand absent.



S 60th & Highway 2

Comprehensive Plan Proposed Amendment #12

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
- From Urban Res to Commercial
- From Urban Res to Green Space



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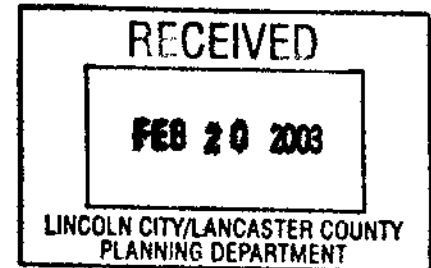
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February 19, 2003

Mr. Marvin Krout, Director
Lincoln Planning Department
Room 213 555 South 10th Street
Lincoln NE 68508



Re: Proposed Amendment to the 2025 Comprehensive Plan
Southeast Lincoln/Highway 2 Subarea Plan

Dear Mr. Krout:

This firm represents UNO Properties, Inc., and Apple's Way, L.L.C., in this joint request for an amendment to the 2025 Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan. UNO Properties, Inc., owns approximately 7.6 acres of land located southwest of the intersection of Highway 2 and South 66th Street. Apple's Way, L.L.C., has control over the property directly west of the UNO Properties tract, consisting of approximately 55 acres, formerly identified as the ShopKo property. Apple's Way, L.L.C., and UNO Properties, Inc., are affiliated companies and this request submitted jointly on behalf of both of these companies. The collective property owned by Apple's Way, L.L.C., and UNO Properties, Inc., shall be referred to as the "Subject Property".

Existing Subarea Plan

The Southeast Lincoln/Highway 2 Subarea Plan (the "Subarea Plan") identifies the Subject Property to be "Special Residential" and "Urban Residential" property. Apple's Way, L.L.C., and UNO Properties, Inc., request that the Subarea Plan be amended to provide for designation of the subject property as Commercial, Office, and Open Space. I enclose ten copies of the proposed future land use map, as requested by UNO Properties and Apple's Way. This requested change to the Subarea Plan would amend the future land use map to reflect the approximately western half of the property be designated as commercial use. The eastern half of the property would be designated for office use and open space. The proposal would separate the commercial use from the office use via one roadway as a natural demarcation between the two different, yet compatible uses.

Specifically, the proposed amendment to the Subarea Plan would necessitate an amendment of Figure 2 of the Southeast Lincoln/Highway 2 Subarea Plan. This Figure 2 is found on page 8 of the Subarea Plan.

Vision for Subarea Plan

The vision for the Subarea Plan sets forth several objectives. We believe that the requested amendment is consistent with those objectives.

A. Land Use Transitions

One of the Subarea Plan's goals is to provide for effective land use transitions. The Subarea Plan recognizes that office uses, along with the appropriate buffer areas, should be developed as a transition to the adjacent residential areas. UNO Properties and Apple's Way have had several meetings over the past six to eight months with the adjoining neighborhood in Country Meadows to discuss an effective land use transition. Apple's Way and UNO Properties believe that the office use would provide the effective transition to the adjacent Country Meadows low-density residential development. Further, the site provides effective buffering opportunities due to the grade differential and the potential to preserve existing tree masses, in addition to separation distances.

B. Transportation Network

The vision for the subarea further encourages the efficient use of the transportation network. The low-density commercial and office development envisioned for the Subject Property would generate less volume of traffic than many forms of urban residential development, including multifamily development and high-density single-family development. The vision for the Subarea Plan further is designed to promote a desirable entryway. The development of the Subject Property in accordance with the requested future land uses provides ample opportunity to preserve an entry corridor into our city.

The Subarea Plan further addresses the following factors:

Stormwater

Page 15 of the Subarea Plan describes flood-plain and stormwater issues. My clients have had multiple meetings with representatives of the Public Works Department. Initially, my clients were encouraged to locate a regional detention cell on the southern portion of the Subject Property. Based upon the downstream flow objectives of the Beal Slough Master Plan, the Public Works Department determined that additional detention facilities would not have any positive impact on the downstream flow targets. However,

February 19, 2003
Page 3

my clients continue to have discussions with the Public Works Department about installing water quality features as a part of the development of the Subject Property, in addition to providing for its own on-site detention, in order to meet other objectives of the Beal Slough Master Plan

Public Utilities

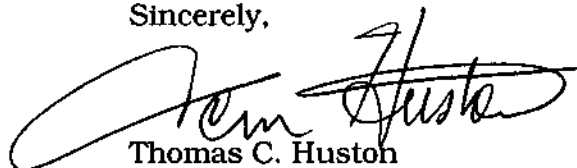
Page 28 of the Subarea Plan deals with public utilities. All public utilities are available to the Subject Property. In fact, the sanitary sewer line that would serve this property is located directly adjacent to the southern border.

Transportation

Transportation within the subarea is discussed on page 35 of the Subarea Plan. Apple's Way and UNO Properties are cognizant of the need to make effective land use and transportation decisions in connection with the development of the Subject Property. As currently envisioned, it is possible to eliminate one of the entrances and median breaks on Highway 2 directly adjacent to the Subject Property, depending upon final configuration of the final zoning district boundaries and traffic flow within the development. This possibility could help alleviate potential conflicts with traffic flow on Highway 2. Further, the proposal envisioned for the Subject Property would be designed to provide at least one connection to the adjacent development to the west. Connecting the Subject Property to the Lincoln Trade Center provides an opportunity to alleviate congestion that exists on South 56th Street and Old Cheney Road.

On behalf of my clients, we look forward to the opportunity to discuss the request with the City of Lincoln. We further envision that we will commence discussions on the specific development proposal for the subject property in the near future. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Huston", with a large, sweeping flourish extending from the end of the name.

Thomas C. Huston
For the Firm

c: Apple's Way (w/enc.)
UNO Properties (w/enc.)
Olsson Associates (w/o enc.)



Concept Plan

Proposed B-2 Zoning
Area: 32.35 Acres
Buildings: 256,700 s.f.

Proposed O-3 Zoning
Area: 30.27 Acres
Buildings: 142,900 s.f.

Totals
Area: 62.62 Acres
Buildings: 399,600 s.f.



April 28, 2003

Christine Kiewra
6400 S. 66th Street
Lincoln, Nebraska 68516

Dear Planning Commission and City Council Members:

I am writing on behalf of the Country Meadows Homeowners Association to express our support for the Southeast Lincoln/Highway 2 Subarea Plan as it was originally written. We do not support any of the amendments that propose changing designations from urban residential to commercial in the Subarea Plan. Our Association was opposed to the approval of commercial zoning at 70th and Highway 2 for the Willowbrook Shopping Center (including Home Depot) and we attended many public meetings, fully participating in the process to approve the Subarea Plan just two years ago.

Country Meadows residents have many concerns about additional commercial space being added along Highway 2. Our primary concern relates once again to a commercial proposal at 66th Street and Highway 2. Repeated requests to change this land from residential to commercial have been debated and defeated. Nearly 10 years ago, Shopko purchased this land and requested a commercial designation in order to build a large shopping center—not even as dense as the one currently proposed. City planning staff, the City Council, and Mayor Johanns all recognized the catastrophic effects that would have on the area and defeated the proposal. Even at that time, good planning guidelines indicated the need to keep the area residential. The staff report noted that the Trade Center was intended to be the buffer between Country Meadows and commercial development and that nearby intersections could not sustain the increased traffic. Since that time, the land remained Low-Density/AGR.

When the Highway 2 Subarea Plan was proposed just two years ago, there was yet another request to the change this property to commercial and that was defeated. Mayor Wesley went on record saying that he would veto any additional commercial development in the Subarea. City Council Chair Cook said that he wanted all future City Council members to remember the pledge not to allow any additional commercial development in the Subarea.

Country Meadows residents continue to oppose commercial development in this area for the following reasons: 1) Increased traffic on Highway 2 and South 66th Street, 2) Sufficient commercial development already approved to serve the area, 3) Increased lighting, noise, and litter, and 4) Diminished aesthetics.

Traffic

Traffic on Highway 2 is at its capacity. This is a busy city entryway and it cannot handle the additional traffic generated by yet another shopping center. The only route for Country Meadows residents to drive north, east, or west from our neighborhood is to enter Highway 2 from 66th Street. That intersection is without a stoplight or turning lane and the speed limit has recently been raised to 55 mph. These factors already make it a difficult and dangerous intersection.

South 66th Street was built as a narrow, asphalt, winding county road without street lights, curbs and gutters. It is intended as a street only for residents and it is not able to handle increased through traffic. Parking is allowed on both sides of the street and when cars are parked along it there is barely room to drive down the road. There are no sidewalks so the narrow street is also used by pedestrians and bicyclists.

A connection between South 66th Street and a commercial development would dramatically increase traffic on the street. Even having a commercial development next to the neighborhood without connections would significantly increase traffic on the street according to city planning staff.

Sufficient Commercial Development

Highway 2 is an important and beautiful entryway into Lincoln as well as a Capitol View Corridor with sufficient commercial development. Currently the largest shopping center in Lincoln is under construction at 84th and Highway 2. The Willowbrook Shopping Center is about half built at 70th and Highway 2. There are established centers at 56th and Highway 2— Edgewood, Alamo Plaza, and the Trade Center. The Trade Center (which includes less intense commercial development) was approved as the western buffer between our neighborhood and commercial development. Any more commercial development will make Highway 2 one long strip mall.

Studies indicate south Lincoln is already over-retailed. Moreover, there is a lot of land already designated commercial that is vacant or undeveloped. These indicators show that market need is not what it is driving the requests for increased commercial designations.

Lighting, Noise, and Litter

Commercial development brings with it large lit parking lots, noise from delivery trucks and other vehicles, loud speakers, and many people. It also brings litter from fast-food restaurants and other shopping stores. These would all intrude on the quiet country feel of our neighborhood. Area residents purchased our homes knowing that we were along a highway and that we would eventually be part of the city, but we believed the Comprehensive Plan (which designated adjoining property as residential) would protect the integrity and property value of our investments.

Diminished Aesthetics

The proposed commercial development diminishes the aesthetic quality of a primary Lincoln entryway and Capitol View Corridor. Many times city leaders point to North 27th Street, Cornhusker Highway, and West O Street as examples of city entryways that have been marred by poor planning. Each of these entryways contain strip mall after strip mall rather than clustered, high-quality shopping centers. As one drives into Lincoln from the east on Highway 2, one notices commercial centers with large set backs, beautiful, low-density housing, and a bike path and green space along the Highway. Any additional commercial along Highway 2 will create the same strip mall effect as so many other city entryways.

Large scale commercial development at 66th Street and Highway 2 mars this area containing several beautiful neighborhoods including Country Meadows, Family Acres, and Southfork. The partners considering purchasing the land have indicated that commercial development will necessitate dramatically changing the topography of the land by leveling its rolling hills and clearing the trees to pave enormous parking lots.

Change of any kind often meets neighborhood resistance. Our neighborhood recognizes that change will come and that is why we initially and continually support the Subarea Plan. We would love it if the land would remain corn fields and horse barns but we know that won't happen. We supported the change from Low Density/AGR to Urban Residential in the Subarea Plan. That is the only land usage Country Meadows will support.

Respectfully submitted,

Christine Kiewra, President
Country Meadows Homeowners Association

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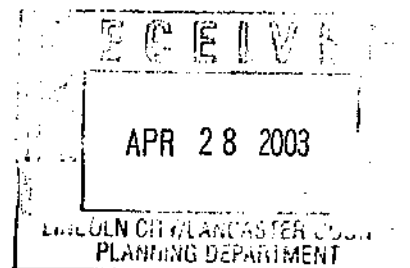
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April 28, 2003

Mr. Marvin Kraut
Planning Director
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RE: Comprehensive Plan Annual Review
Comments to Amendments 12 and 13
Our File No.: 22660.45549

Dear Mr. Kraut:

I am writing on behalf of my client, Pine Lake Association, the neighborhood association that represents the Pine Lake Area. The Association wishes to go on record in opposition to two of the proposed Comprehensive Plan Amendments, each of which proposes to increase the amount of commercially designated property along the Highway 2 corridor between 56th and 98th Streets. Some of our comments in opposition to these requests are general, and some are specific to the particular request. I will provide my general comments first, and then address each of the amendments seriatim.

GENERAL COMMENTS

The Southeast Lincoln/Highway 2 Subarea Plan, in its Executive Summary, aptly notes that "the route along Highway 2 in this subarea, with the natural landscape and residential character, is one of the most beautiful entrances into Lincoln." With that in mind, numerous groups expended substantial time and effort in developing that Subarea Plan with an eye toward assuring that this entryway corridor into the Capitol City remains both functional and appealing. The Southeast Lincoln/Highway 2 Subarea Plan was adopted by the City Council on March 26, 2001, and by the Lancaster County Board on April 24, 2001. The Subarea Plan, as adopted, contemplated the development of approximately 2.3 million square feet of additional

commercial space in addition to the existing 1.4 million square feet in the vicinity of Edgewood. As you know, the analytical model to determine the trip capacity of this corridor assumed the construction of the South and East Beltways that are, as yet, only in the planning stages. Nevertheless, we already have 2.1 million square feet under development with another 200,000 square feet (84th & Pine Lake Road) on the verge of approval.

Thus, designation of additional commercial space within this corridor will necessarily exasperate a growing traffic problem for which no solution is currently under construction even for the existing, approved commercial square footage. The Subarea Plan provides for urban residential and special residential use of the properties described in proposed amendments 12 and 13 and this designation was most recently confirmed by the adoption of the Lincoln City-Lancaster County Comprehensive Plan dated May 28, 2002. The Plan again shows these areas as urban residential. It is difficult to imagine that any significant changes have occurred warranting deviations from the adopted Comprehensive Plan designations that are less than one year old.

SPECIFIC COMMENTS - SOUTH 60TH AND HIGHWAY 2 (PROPOSED AMENDMENT 12)

The Pine Lake Association opposes this proposed amendment because, as discussed above, it represents a significant deviation from the recently approved Subarea Plan and the 2002 Comprehensive Plan. The 55 acres proposed for commercial designation is the same area for which a similar designation was requested in 1994, which was denied. This proposed request would accommodate development of nearly 600,000 square feet of commercial area, which is essentially the size of a community center as designated in the Comprehensive Plan. While the proponents suggest that this designation would provide the land-use transitions contemplated in the Subarea Plan's goals, the fact is, that without specific zoning and use permit applications being approved concurrently with this proposed designation, the result is simply the addition of commercial space that may or may not accommodate an appropriate transition to the surrounding residential. On the other hand, the current designation of this area as primarily special residential under the Subarea Plan already contemplates appropriate transitional uses such as churches, domiciliary, care facilities, retirement apartments, child care facilities, townhomes and other uses permitted by special permit in residential districts. These types of uses would provide for reasonable transition from the adjacent trade center to the surrounding residential areas.

SPECIFIC COMMENTS - SOUTH 75TH AND HIGHWAY 2 (PROPOSED AMENDMENT 13)

Proposed Amendment 13 directly affects the Pine Lake Association as it is immediately west of and adjacent to the Pine Lake area. In addition to the fact that this area is designated as special residential within the Subarea Plan and urban residential in the Comprehensive Plan, the current questions as to the adequacy of the Pine Lake dam for purposes of protection of downstream development and the need for completion of a breach study strongly militates against any proposed change of land use designation at this time. Only after a breach study is completed can it reasonably be determined whether the current designation or some other designation is most appropriate for this area. In any event, mere designation of this area as

commercial would again, without such a change being accompanied by a specific zoning designation and use permit particulars, open the area to any form of commercial development regardless of whatever the developer may suggest is currently contemplated.

In summary, Pine Lake Association suggests that both of the above-described Comprehensive Plan changes are contrary to the Southeast Lincoln/Highway 2 Subarea Plan, and are at best premature and at worst unnecessary additional commercialization within this corridor. The Pine Lake area is still in the process of absorbing the "culture shock" of only a few short years ago being a semi-rural development and equestrian area apart from and independent from the City. Now it finds itself in close proximity to one of the largest commercial developments within the City of Lincoln and with rapid residential and smaller commercial development on its fringes. More commercial development now would be overwhelming. Pine Lake residents, along with others in the area, have contributed to the development of the Subarea Plan and suggest that the compromises and decisions incorporated into that document should be respected until compelling reasons justify changes. At this time, Amendments 12 and 13 are not so justified and we respectfully request the Planning Commission and the City Council to deny these proposed changes.

Sincerely,



William F. Austin,
Attorney at Law
on behalf of Pine Lake Association

WFA:viw

C: Tom Huston
Mary Jo Livingston
Dave Shoemaker

Email Received April 15, 2003

Dear Mr. Henrichsen,

I am writing to express my concern with ongoing proposals to redesignate the "ShopKo" property on the south side of Highway 2 at 66th St. Mr. McCombs constant attempts to designate this property as commercial from its existing designation as residential/agricultural is extremely frustrating to, especially in light of the substantial development now underway east of 70th St. on Highway 2 here in Lincoln. The corridor between 56th and 70th already takes on a lot of traffic, and to have a major commercial development at the subject property would wreak havoc on the surrounding residential community.

It would be my hope that this property could someday be developed as either residential or parkland property for the betterment of the Southeast side of Lincoln. As such, I request that the most recent attempt to redesignate this property be DENIED.

Thank you for your time and consideration of this important matter.

Carey B. Phillippi
6401 South 66th St.
Lincoln, NE 68516
(402) 420-6230

Email received April 21, 2003

Dear Sir,

My husband and I just moved from Grand Island to 6320 South 66th Street last August. At the time of our decision to purchase this property, we were not aware of any plans for future development, although we were aware of Home Depot being built on the corner of 70th and Hy 2.. This Apple's Way Development will be in the front view of our property. If we would have known about this possible commercial development back then, we probably would not have purchased this location, as we were looking at small acreages just outside the City limits. But we chose Lincoln and the Country Meadows area, (even though taxes were higher).

Country Meadows subdivision is a beautiful residential area with spacious acre+ lots and oversized housing. To add additional commercial construction in this area would cause concern due to the traffic, turning congestion, dangerous cross traffic, road noise, lighting, etc., not to mention that beautiful South Lincoln would begin to look like North 27th strip mall.

Therefore, I respectfully request that future commercial development of this land be denied. If the land MUST be developed, I respectfully request that the integrity of the area be preserved as much as possible, while maintaining it's natural habitat. If absolutely necessary, perhaps high end or luxury apartment/condo/housing with gracious lots would blend nicely with the Country Meadows area.

Thank you for the opportunity to voice my opinion.

Bob and Lucy Winter